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ORDINANCE # 2019-12

AN ORDINANCE OF PLAIN CITY, UTAH AMENDING TITLE 10 CHAPTER 20 THE RESIDENTIAL OVERLAY ZONE; AND ESTABLISHING AN EFFECTIVE DATE

Section 1. Recitals

WHEREAS, The City Council finds, that the City of PLAIN CITY (herein "City") is a municipal corporation duly organized and existing under the laws of the State of Utah; and

WHEREAS, the City Council finds that in conformance with the provisions of UCA § 10-3-717, the governing body of the city may exercise all administrative powers; and

WHEREAS, the City Council finds that in conformance with the provisions of UCA § 10-3-702, the governing body of the City may pass any ordinance to regulate, require, prohibit, govern, control, or supervise any activity, business, conduct or condition authorized by State law or any other provision of law; and

WHEREAS, the City Council finds that this issue has been reviewed by the Planning Commission and certain recommendations made by them; and

WHEREAS, the City Council finds that the public health, welfare and safety are at issue in this matter; now,

NOW THEREFORE, BE IT ORDAINED by the City of PLAIN CITY as follows:

Section 2. City's Residential Overlay Zone Amended.

The following amendments are made to Title 10 Chapter 20 of the Plain City Code:

Title 10 Chapter 20
RESIDENTIAL OVERLAY ZONE

10-20-1: PURPOSE AND INTENT:

10-20-2: USE REGULATIONS:

10-20-3: GENERAL REGULATIONS:

10-20-4: SUBMISSION OF APPLICATION:

10-20-5: PLANNING COMMISSION AND CITY COUNCIL CONSIDERATION:

10-20-6: PLANNING COMMISSION ACTION:

10-20-7: CITY COUNCIL ACTION:

10-20-1: PURPOSE AND INTENT:

The Residential Overlay Zone is established to provide for and encourage better planned and more desirable residential developments that provide various lot sizes and/or public amenities, including the preservation of open space and the development of parks, trails, and other open space. (Ord. 2019-04, 1-17-2019, eff. 1-17-2019)

1. It is expressly provided that the Residential Overlay Zone is not intended to be utilized for all residential development within the City. The Residential Overlay Zone shall only be permitted for property approved by the Planning Commission and City Council.

2. It is established to promote development of pathways (multi-purpose routes accessible to pedestrians, bicyclists and equestrians) and as such, will solely be considered for areas comprising or adjacent to existing or proposed pathway corridors, set forth in the Plain City Parks, Trails, and Open Space Master Plan.

A. Zones Allowed: Residential uses in the Medium Density Residential (MDR) 1, 2, and 3 areas as indicated on the Future Land Use Map of the General Plan (including only properties that have already been rezoned as RE-18.5, RE-15 and R-1-11) after the review and recommendation by the Planning Commission and review and approval by the City Council.

B. Permitted Housing Types: If the Residential Overlay Zone is approved: single-family, detached dwelling units may be permitted in MDR 1 and 2 (RE-18.5 and RE-15); single-family, detached dwelling units and two-family, attached (duplex) dwelling units may be permitted in MDR 3 (R-1-11); after the review and recommendation by the Planning Commission and review and approval by the City Council. (Ord. 2019-04, 1-17-2019, eff. 1-17-2019)

1. Lots utilized for the construction of two-family, attached (duplex) dwelling units shall not exceed ten percent (10%) of the total lots in the subdivision.

2. Two-family, attached (duplex) dwelling units shall be constructed on a minimum lot area of one-half ($\frac{1}{2}$) acre (21,780 square feet)

10-20-3: GENERAL REGULATIONS:

A. Residential subdivisions with public amenities may be granted an exception to site development standards within each zone when the applicant has demonstrated that the subdivision meets the following standards:

1. The subdivision provides an exceptional amenity or amenities (deemed acceptable by the Planning Commission and City Council) that are made available to the public or provides developed open space comprised of thirty three percent (33%) of the proposed development (1:2 ratio of developed open space to housing). Any developed open space shall be dedicated to the City, subject to approval by the City Council, and made available for public use and shall include a park and/or trails that have been identified in the General Plan or other parks and/or trails requested specifically by the Planning Commission or City Council in consultation with the City Parks and Recreation Department. Formations that provide State mandated stormwater detention or retention do not qualify as developed open space unless occupying more than five (5) acres and determined by the Planning Commission to be suitable for multiple uses. In cases of approved multi-use stormwater detention or retention basins, the developer shall (at City's discretion) provide restrooms and parking spaces.

2. The subdivision does not exceed a gross maximum density in the Medium Density Residential (MDR) areas indicated on the Future Land Use Map of the General Plan of:

- a. Three (3) units per acre in MDR 1;
- b. Four (4) units per acre in MDR 2; and,
- c. Five (5) units per acre in MDR 3.

Gross maximum density is calculated by taking the number of proposed residential lots and dividing by the total acreage of the development (including roads).

3. The subdivision meets the following overall minimum development standards:

a. Minimum lot area: Six thousand (6,000) Eight thousand (8,000) square feet.

b. Minimum yard setbacks:

(1) Front: Twenty feet (20').

(2) Side: Eight feet (8') Ten feet (10'), with combined side yard setbacks of eighteen feet (18') twenty feet (20').

(3) Side facing street on corner lot: Twenty feet (20').

(4) Rear: Thirty feet (30').

c. Building height:

(1) Minimum: One story.

(2) Maximum: Thirty-five feet (35') – Not more than two stories.

d. Minimum frontage: Sixty feet (60') Eighty feet (80') for single-family dwelling units and one hundred fifty feet (150') for duplexes.

B. Residential subdivisions without public amenities may be granted an exception to site development standards within each zone when the applicant has demonstrated that the subdivision meets the following standards:

1. The subdivision does not exceed a gross maximum density in the Medium Density Residential (MDR) areas indicated on the Future Land Use Map of the General Plan of:

a. 2.4 units per acre in MDR 1;

b. Three (3) units per acre in MDR 2; and,

c. Four (4) units per acre in MDR 3.

Gross maximum density is calculated by taking the number of proposed residential lots and dividing by the total acreage of the development (including roads).

2. The subdivision meets the following overall minimum development standards:

a. Minimum lot area: Six thousand (6,000) Eight thousand (8,000) square feet.

b. Gross lot average area according to density designation (per Future Land Use Map of the General Plan):

(1) Eighteen thousand, one hundred fifty (18,150) square feet in MDR 1;

(2) Fourteen thousand, five hundred twenty (14,520) square feet in MDR 2; and,

(3) Ten thousand, eight hundred ninety (10,980) square feet in MDR 3

b.c. Minimum yard setbacks:

(1) Front: Twenty feet (20').

(2) Side: Eight feet (8') Ten feet (10'), with combined side yard setbacks of eighteen feet (18') twenty feet (20').

(3) Side facing street on corner lot: Twenty feet (20').

(4) Rear: Thirty feet (30').

c.d. Building height:

(1) Minimum: One story.

(2) Maximum: Thirty five feet (35') – Not more than two stories.

d.e. Minimum frontage: Sixty feet (60') Eighty feet (80') for single-family dwelling units and one hundred fifty feet (150') for duplexes. (Ord. 2019-04, 1-17-2019, eff. 1-17-2019)

10-20-4: SUBMISSION OF APPLICATION:

A. Required: An application for a Residential Overlay Zone shall be submitted to the Planning Commission. A concept plan including the following items shall be submitted with the application for the Residential Overlay Zone:

1. Proposed layout including streets, lots, and setbacks;
2. Development density, coverage, and open space characteristics including landscaping, fencing, screening, and parking;
3. Proposed location(s) for mailbox(es) in accordance with USPS requirements, shown on the proposed layout;
4. A description of architectural elevations and floor plans demonstrating the general design, character, and exterior building materials of the proposed structures. (Ord. 2019-04, 1-17-2019, eff. 1-17-2019)

10-20-5: PLANNING COMMISSION AND CITY COUNCIL CONSIDERATION:

In considering the proposed Residential Overlay Zone, the Planning Commission and City Council shall consider:

- A. Design: The design, exterior materials, housing type and quality of buildings and their relationship to the site and their relationship to development beyond the boundaries of the development.
- B. Streets, Traffic, Parking: Which streets shall be public and which shall be private, the entrances and exits to the development and the provisions for internal and external traffic circulation and off-street parking.
- C. Open Space: The proposed open space as a means of its integration into the City and the neighborhood.
 - 1. All attendant open space, privately or otherwise owned, shall be publicly accessible and contained within the perimeter of the development.
 - 2. Formations that provide State mandated stormwater detention or retention do not qualify as developed open space unless occupying more than five (5) acres and determined by the Planning Commission to be suitable for multiple uses. In cases of approved multi-use stormwater detention or retention basins, the developer shall (at City's discretion) provide restrooms and parking spaces.
- D. Density: The residential density of the proposed development and its distribution as compared with the residential density of the surrounding lands. (Ord. 2019-04, 1-17-2019, eff. 1-17-2019)
- E. Property Discrepancies: Conflicts associated with property characteristics and/or ownership, such as, but not limited to recorded property line inconsistencies, ambiguous or contested ownership, etc.

10-20-6: PLANNING COMMISSION ACTION:

- A. The Planning Commission shall hold a public hearing on the proposed Residential Overlay Zone.
- A. B. The Planning Commission, subject to the requirements of this chapter, shall recommend to approve, modify with conditions, or deny the Residential Overlay Zone. (Ord. 2019-04, 1-17-2019, eff. 1-17-2019)

10-20-7: CITY COUNCIL ACTION:

- A. The City Council shall hold a public hearing on the proposed Residential Overlay Zone. The City Council shall then approve, approve with conditions, or deny the Residential Overlay Zone.

Upon approval or approval with conditions, an applicant may proceed with a subdivision application per title 11, chapter 3 of this Code. (Ord. 2019-04, 1-17-2019, eff. 1-17-2019)

Section 3. Prior Ordinances And Resolutions The body and substance of any and all prior Ordinances and Resolutions, together with their specific provisions, where not otherwise in conflict with this Ordinance, are hereby reaffirmed and readopted.

Section 4. Repealer Of Conflicting Enactments All orders, ordinances and resolutions with respect to the changes herein enacted and adopted which have heretofore been adopted by the City, or parts thereof, which are in conflict with any of the provisions of this Ordinance Amendment, are, to the extent of such conflict, hereby repealed, except that this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

Section 5. Savings Clause If any provision of this Ordinance shall be held or deemed to be or shall, in fact, be invalid, inoperative or unenforceable for any reason, such reason shall not have the effect of rendering any other provision or provisions hereof invalid, inoperative or unenforceable to any extent whatever, this Ordinance and the provisions of this Ordinance being deemed to be the separate independent and severable act of the City Council of Plain City.

Section 6. Date Of Effect This Ordinance shall be effective on the 21st day of November 2019, and after publication or posting as required by law.